Science, Education and Innovations in the Context of Modern Problems
Issue 12, Vol. 8, 2025

RESEARCH ARTICLE

Artificial Intelligence and Human Rights: An Analysis of the Council of Europe's Framework Convention on Human Rights, Democracy and the Rule of Law

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Issue web link https://imcra-az.org/archive/387-science-education-and-innovations-in-the-context-of-modern-problems-issue-12-vol-8-2025.html

Keywords AI; Human rights; 2024 Framework Convention on Artificial Intelligence; Council of Europe.

Abstract
This paper provides a legal analysis of the Council of Europe's Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, which was adopted by the Council on 17 May 2024. This international convention seeks to complement the legal framework for AI governance, ensuring respect for human rights in public and private activities related to AI. Following a meeting of the foreign ministers of the Council of Europe's 46-member states during their annual session in Strasbourg, it was established with the participation of 11 non-EU countries, including the United States, Canada, and Japan. Its complementarity to existing international standards concerning human rights, democracy, and the rule of law makes it the first legally binding international text in the field of artificial intelligence. However, it does not regulate technology itself; rather, it aims to address any legal gaps that may arise from rapid technological advancement. Based on fundamental AI ethics principles, it obliges states to implement it by incorporating it into their national legislation. It will come into effect after ratification by five states, as stipulated in Article 30/3, but this has not yet been achieved despite the number of ratifying countries exceeding the required amount.

Citation. Wafa Dridi. (2025). Artificial Intelligence and Human Rights: An Analysis of the Council of Europe's Framework Convention on Human Rights, Democracy and the Rule of Law. *Science, Education and Innovations in the Context of Modern Problems*, 8(12), 1442–1454. https://doi.org/10.56334/sei/8.12.121

Received: 16.06.2025 | Accepted: 11.10.2025 | Published: 02.12.2025 (available online)

Introduction:

Tremendous and rapid technological development has sparked a revolution known as the Fourth Industrial Revolution. (Cherkaoui, 2023, p. 284) This has resulted in the emergence of advanced technologies, the most significant of which is artificial intelligence (AI) due to its applications in various areas of life worldwide. These include the economic, medical, transportation, industrial, environmental, climatic, educational, public services, energy, justice and intelligence, and warfare sectors, where it is used in military equipment, the analysis of large amounts of personal data, and precise security and surveillance systems. Thus, AI is no longer merely an academic research topic or a matter for the future. Since 2010, it has moved beyond laboratories and universities to permeate many aspects of our daily lives through its algorithms. Over 98% of information has been digitized, and this issue

has become a central strategic concern affecting the economy, law, ethics, institutions, health, national defense, security, and communications, as well as the social, cultural, and political dimensions. (Pollotec, 2018, p. 74)

Consequently, this technology is expected to unlock limitless innovations and cause radical changes to society amid international competition to possess such AI technologies and address problems across various sectors. Amidst this technological development, however, some express skepticism about the future of artificial intelligence, warning that these changes are accompanied by numerous concerns due to machines replacing humans in many sectors. This is particularly concerning given that this technology relies on processing vast amounts of data, which will inevitably impact human rights, democracy, and the rule of law.

Therefore, many countries and international bodies, led by the Council of Europe, have begun to consider how to use artificial intelligence (AI) and advocate for the protection of human rights. This involves establishing a legal framework to govern AI technology and ensure its safe and responsible use. This includes issuing recommendations and establishing guiding principles or ethical codes to prevent misuse. The Council of Europe has pioneered a significant body of work on regulating human rights in the digital environment. Leading documents include the 2014 Recommendation on Human Rights for Internet Users, the 2017 Recommendation on Technological Convergence and Artificial Intelligence and Human Rights, the 2019 Recommendation on Artificial Intelligence, and the 2020 Recommendation on the Impacts of Algorithmic Systems on Human Rights. Furthermore, the Council is globally recognized for establishing the first international charter in 2019 to govern the widespread use of artificial intelligence technologies in judicial systems, and ultimately succeeded in adopting a comprehensive international framework convention in May 2024 relating to artificial intelligence, human rights, democracy, and the rule of law. This is considered by many to be the most comprehensive framework for regulating artificial intelligence.

From this perspective, the problem that this paper addresses concerns the extent to which the world will succeed in protecting human rights within the framework of the Council of Europe's Convention on Artificial Intelligence.

To address this issue, we will explore the following:

First Axis: The Concept of Artificial Intelligence

Second axis: the context of the adoption of the Council of Europe's Framework Convention on AI.

Third Axis: The content of the Council of Europe's Framework Convention on AI.

First Axis: The Concept of Artificial Intelligence

First: The emergence of artificial intelligence:

Many trace the beginnings of artificial intelligence as a scientific discipline back to 1943, when American neuroscientists McCulloch and Pitts published a study including the first description of a logical neural network. In 1950, Alan Turing published an article entitled 'Computing Machinery and Intelligence', in which he posed the question of whether it was possible to simulate human intelligence using a computer and described this concept as an 'imitation game'. This game entered history as the "Turing Test". In 1956, the term 'artificial intelligence' was first introduced by scientist John McCarthy and his colleague. (Pollotec, 2018, p. 75)During a research seminar at Dartmouth College in the United States (Ghanem, 2025, p. 16). The term was coined to describe machines capable of performing tasks beyond simple routines. (Castillo, 2023, p. 103). Following a period of significant funding from DARPA for military applications, particularly in machine translation, artificial intelligence experienced a crisis between 1974 and 1980, known as the 'AI winter', due to a freeze in public funding that had previously supported it (Pollotec, 2018, p. 75).

However, in the early 1980s, artificial intelligence experienced a revival that allowed for the development of most of the core techniques that distinguish it today, particularly deep learning algorithms. Yet, the AI revolution returned to a lull from 1987 until the first decade of the 21st century, only to be reborn due to the stock market through the internet. It witnessed gradual growth, accelerating since 2010 due to the effects of Moore's Law and

the emergence of big data, as internet platforms became the mandatory gateway to data. The increase in computing power and big data has made effective artificial intelligence possible, making it essential to convert vast and constantly increasing amounts of data into information that contributes to decision-making(Pollotec, 2018, p. 75).

Secondly, the definition of artificial intelligence:

Despite the numerous definitions of artificial intelligence, there is no universally agreed definition. Some attribute this to the view that artificial intelligence is more of a field than an easily definable concept. Thus, definitions vary depending on the area in which AI has evolved (Ghofran Hilal, 2022, p. 138) . Some define it as the science and engineering of creating intelligent machines, particularly smart computer programs. It is associated with simulation tasks, which use computers to understand human intelligence without limiting it to observable biological (McCarthy, 12 November 2007, available at: [Stanford])methods or approaches. At the Dartmouth Conference, it was defined as a field of study related to the exhibition of intelligence in machines (Al-Qahtani, 2022, p. 105),including the ability to think, learn, understand, and apply meaning. Furthermore, artificial intelligence is not a machine, but rather a collection of scientific disciplines, including machine learning (whether supervised or unsupervised) and deep learning. These disciplines are aimed at creating autonomous systems. This approach distinguishes artificial intelligence from the AI systems adopted by the High-Level Independent Expert Group on Artificial Intelligence of the European Commission (the High-Level Expert Group on Artificial Intelligence) (Cooman, 2020, p. 81) .

The European Parliament defines artificial intelligence as 'the ability of a machine to reproduce behaviours associated with humans, such as thinking, learning, planning and creativity.' (Parliament, 2020). Meanwhile, in his commentary on Cédric Villani's report in March 2018, Professor Yann Le Pollotec emphasizes that artificial intelligence is an ambiguous concept because it implies the creation of an intelligence that competes with human intelligence. It is a scientific discipline that aims to simulate various human cognitive abilities by breaking them down into algorithms on computers. This includes logical thinking, voice and tone recognition, machine translation, medical diagnosis, and more (Pollotec, 2018, p. 75) .

Conversely, the Organization for Economic Co-operation and Development (OECD) provides a broad functional definition of artificial intelligence systems in its 2022 recommendation, focusing less on the technology itself. According to the OECD, an artificial intelligence system is a machine-based system designed to achieve explicit or implicit goals, inferring how to produce outputs such as predictions, content, recommendations, or decisions based on input data, which may influence physical or virtual environments. Artificial intelligence systems vary in terms of their autonomy and adaptability following deployment or operation. (OECD)

This is the approach adopted by the Council of Europe's Framework Convention on Artificial Intelligence in 2024 (Parliament, 2020). Thus, this definition excludes simple programs that perform self-operating tasks based on rules set by humans. It also acknowledges automated systems that receive input data from humans or machines (OECD) . It also acknowledges the possibility of humans explicitly or implicitly defining the goals of an artificial intelligence system (AIS), with these goals being implicit and revealed through the exploitation of input data or the input of a model that enhances users' preferences through learning. Alongside these systems, the definition encompasses generative artificial intelligence systems due to their ability to produce content, as well as some artificial intelligence systems that continue to evolve after design and deployment (OECD, Explanatory Memorandum on the Updated OECD Definition of an AI System', OECD Artificial Intelligence Papers, 2024, p. 7).

It can therefore be concluded that the Council of Europe's Convention on Artificial Intelligence was established to establish an acceptable preliminary legal framework and solidify points of consensus at an international level, primarily the definition. This is necessary to improve international cooperation on artificial intelligence and facilitate global AI governance, including harmonizing relevant terminology, to enable the implementation of various artificial intelligence-related instruments within countries' national legal systems.

Second Axis: The Context of the Adoption of the Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law

The Council of Europe was the first international organization to adopt a binding convention related to artificial intelligence. The aim was to regulate and develop the use of AI with regard to the risks it poses to human rights, democracy, and the rule of law. The Framework Convention on Artificial Intelligence was adopted on 17 May

2024, and the process of its adoption began in early 2018, based on existing international and European instruments related to the protection of human rights from the use of artificial intelligence.

First: Conditions for the Adoption of the Framework Convention on Artificial Intelligence

Since 2018, the Council of Europe has conducted a study on the effects of algorithms on human rights, with a focus on the right to a fair trial, the right to privacy and data protection, freedom of expression, freedom of assembly and association, the right to an effective remedy, the prohibition of all forms of discrimination, social rights and access to public services, and the right to free elections. The Council of Europe clarified that the scope of its study did not allow for an analysis of the right to life in the context of smart weapons, software, and drones controlled by algorithms or in the context of health. Similarly, it could not explore the potential effects of regulating views and opinions through algorithms on freedom of thought, conscience, and religion. These are all fundamental rights and freedoms likely to be affected by algorithms, and thus by artificial intelligence. (Europe, March 2018, p. 33)

During the same period, the Council of Europe, through its various bodies and the dedicated committee on artificial intelligence (CAHAI), which succeeded the Artificial Intelligence Committee (CAI), has long been concerned with the problems humanity faces due to advancements in digital technologies and information technology, particularly algorithmic systems and artificial intelligence (AI). Taking into account the final document of the dedicated committee on artificial intelligence regarding the potential elements of the legal framework related to artificial intelligence, which outlined the legal framework for AI according to the Council of Europe's standards on human rights, democracy, and the rule of law, adopted on December 3, 2021 (CAHAI), 2021), the Committee of Ministers of the Council of Europe tasked the Artificial Intelligence Committee (CAI) (By drafting a framework convention regarding activities conducted within the lifecycle of AI systems based on the Council of Europe's standards on human rights, democracy, and the rule of law, which leads to innovation (Tambou, p. 294). It was decided to allow the participation of the European Union and non-European countries interested in and aligned with the values and objectives of the Council of Europe, as well as non-European countries from around the world, in the negotiations before the Artificial Intelligence Committee as observer states.

This influenced the final form of the convention, which is described as a compromise between the OECD's recommendations and AI law, given the different legal and political systems of the participating countries. The pressure exerted by third countries, particularly the United States, on the Council of Europe undoubtedly led to the convention being written in this way. Above all, it is an open text that offers an alternative to AI law, providing significant flexibility for countries to choose how to address the risks of artificial intelligence while imposing obligations on states to respect human rights, democracy, and the rule of law (Tambou, p. 298).

The Artificial Intelligence Committee comprises recognized experts in digital governance and the legal implications of artificial intelligence technologies on human rights, representing member states. Representatives from some non-member states of the Council of Europe are also included, as well as representatives from industry, other Council bodies, and international and regional organizations concerned with artificial intelligence, such as UNESCO, the Organization for Economic Co-operation and Development (OECD), the European Union, and the Organization for Security and Co-operation in Europe (OSCE). Representatives from the private sector, civil society, and academia who have been accepted as observers by the Artificial Intelligence Committee are also included (CAI) .

The Artificial Intelligence Committee of the Committee of Ministers of the Council of Europe is primarily tasked with creating a legal framework for the development, design, and application of artificial intelligence, based on Council of Europe standards regarding human rights, democracy, and the rule of law. To fulfil this mission, the Committee has been tasked with developing Council of Europe standards related to the design, development, and application of digital technologies, and their impact on human rights, democracy, and the rule of law. This work is carried out in light of relevant international and regional instruments, and in accordance with the efforts of other Council of Europe bodies and international and regional organizations. (Litim, December 2023, pp. 10-11)

On March 14, 2024, the committee presented the final text of the framework convention for approval by representatives of the member states before it was submitted for signature. In this regard, it is noteworthy to mention what Mr. Luca Bertuzzi stated on his LinkedIn account regarding the controversial issue of the scope of application of the framework convention and other related aspects. (LEY, 12 April 2024) , which were negotiated bilaterally between the European Commission and the American delegation. The Commission did not begin its

session until late, illustrating the influence of the United States on European bodies, especially since it is not a party to the Council of Europe but has observer status before it.

On 17 May of the same year, the foreign ministers of the Council of Europe's member states adopted the Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law during the Committee of Ministers' annual ministerial meeting in Strasbourg. This convention is the world's first international framework agreement to regulate the risks of artificial intelligence. Rather than establishing new rights or obligations concerning human rights, it aims to ensure that activities related to artificial intelligence respect human rights, democracy, and the rule of law by guaranteeing the responsible use of AI. It complements the AI law, which has primarily focused on economic and commercial issues, despite taking on a humanistic character that transcends the logic of the internal market. (Francesca Fanucci and Catherine Connolly, 18 August 2032)

After two years of work by the Artificial Intelligence Committee, the convention was adopted and submitted for signature on 5 September 2024 in Vilnius (Lithuania), coinciding with the Conference of Ministers of Justice. The Council of Europe confirmed that the convention is consistent with the AI law adopted by the European Parliament in March 2024, which is aimed at regulating artificial intelligence systems in Europe (intelligence).

Second: international and European instruments related to protecting human rights from the use of artificial intelligence are considered for adoption in the framework convention.

Numerous legal texts refer to the protection of human rights in relation to artificial intelligence. Therefore, we will limit our discussion to the legal instruments and political declarations that the negotiators relied upon during the adoption of the Framework Convention. The following international legal and political instruments related to artificial intelligence were adopted during the negotiation process for the framework convention, particularly those established by the Council of Europe and other international organizations: (Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Council of Europe Treaty Series)

1. The Declaration on the Processing Capabilities of Algorithmic Processes by the Committee of Ministers of the Council of Europe, adopted on 13 February 2019.

2. The OECD's Recommendation on Artificial Intelligence;

3. The Committee of Ministers' Recommendation to Member States on the Impacts of Algorithmic Systems on Human Rights, adopted on 8 April 2020.

4. The decisions and recommendations of the Parliamentary Assembly of the Council of Europe examining the opportunities and risks of artificial intelligence concerning human rights, democracy, and the rule of law, and endorsing a set of fundamental ethical principles to be applied to AI systems.

5. The UNESCO Recommendation on the Ethics of Artificial Intelligence, adopted on 23 November 2021.

6. The International Guidelines and Code of Conduct for institutions working on the development of advanced AI systems, adopted on 30 October 2023 as part of the Hiroshima G7 Process.

7. The European Union law establishing coordinated rules in the field of artificial intelligence (the Artificial Intelligence Act), adopted on 13 March 2024.

In addition to these legal instruments, negotiations were also inspired by several political declarations issued in 2023, including the Declaration of Heads of State and Government adopted at the Fourth Summit of the Council of Europe in Reykjavik, the G7 Leaders' Declaration on the Hiroshima Process for Artificial Intelligence, and the Bletchley Declaration issued by countries participating in the AI Security Summit. **(Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Council of Europe Treaty Series)**

Third: Introduction to the Framework Convention on Artificial Intelligence:

According to the explanatory report of the Framework Convention of 2024, this Convention is considered an applicable international text dedicated to protecting and promoting human rights, democracy, and the rule of law. However, it does not explicitly regulate the economic and commercial aspects of artificial intelligence systems. Instead, it provides a common legal framework at a global level for applying existing international and national legal obligations concerning human rights, democracy, and the rule of law to each party. The framework convention also aims to ensure that the activities conducted by public and private actors throughout the lifecycle of artificial intelligence systems are subject to the commitments outlined in the convention (Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Council of Europe Treaty Series, p. 2). This is because it is open to accession by non-European countries, which will establish it as a global tool for setting artificial intelligence standards.

The convention can also be supplemented by other instruments that address specific issues related to activities carried out during the lifecycle of artificial intelligence systems. (Preamble, paragraph 12 of the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law.) Furthermore, the convention is regarded as a complementary legal instrument. (Mettauer, August 2, 2024) To the European Union's AI law, adopted by the European Parliament on 13 March 2024. While the framework convention focuses on artificial intelligence systems and respect for internationally recognized human rights, EU law coordinates the internal market of the European Union concerning AI systems (Connolly, August 18, 2022).

The European Union's artificial intelligence law aims to implement common rules to improve the performance of the internal market by establishing a unified legal framework for the development, market introduction, deployment, and use of artificial intelligence systems. This is in line with the values set out in Article 2 of the Treaty on European Union regarding fundamental rights and freedoms, as well as in the Charter of Fundamental Rights of the European Union. The law also seeks to promote the adoption of human-centric and trustworthy AI, while ensuring a high level of protection for health, safety, and the fundamental rights set out in the Charter, including democracy, the rule of law, environmental protection, and supporting innovation, to mitigate the harmful effects of AI systems within the EU. The law guarantees the free movement of goods and services based on AI across borders and prevents member states from imposing restrictions on the development, marketing, and use of AI systems unless explicitly stated in the law. ((EU), 2024)

Additionally, this law aims to establish the European Union as a global leader in artificial intelligence by developing international safety and security standards for these systems. The law covers all artificial intelligence systems, regardless of their size or how they are used. It classifies the risks associated with using artificial intelligence systems into four categories and indicates the standard by which these risk categories were determined. This standard is based on the ethical principles for artificial intelligence established in 2019 by a high-level independent expert group on artificial intelligence (HLEG), which was appointed by the European Commission. This group identified seven non-binding ethical principles for AI aimed at ensuring the trustworthiness and ethical safety of AI systems **(Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Council of Europe Treaty Series, p. paragraph 2)**.

These principles are: human intervention and oversight; technical safety and security; privacy and data governance; diversity; non-discrimination and fairness; social and environmental well-being; transparency; and accountability. The law will come into force on 2 August 2026, except for Chapters One and Two, which will take effect on 2 February 2025.

Third Axis: The Content of the Council of Europe Framework Convention on Artificial Intelligence

The 2024 Framework Convention on Artificial Intelligence consists of 36 articles distributed over eight chapters, which we will address below by outlining its general features first and its implementation mechanisms second.

First: General features of the Council of Europe's framework convention on artificial intelligence

The primary objective of the Council of Europe's Framework Convention on Artificial Intelligence is to ensure that all activities conducted throughout the lifecycle of AI systems align with human rights, democracy, and the rule of law (Article 1/1 of the Council of Europe Framework Convention on Artificial Intelligence). This includes everything from system design and data collection to decommissioning. However, it is important to emphasize that the convention does not seek to regulate all activities within the AI system lifecycle, nor does it regulate AI

technologies themselves. Rather, its goal is limited to artificial intelligence systems that may undermine human rights, democracy, and the rule of law. (Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Council of Europe Treaty Series, pp. p. 4, paragraph 12.)

The Framework Convention on Artificial Intelligence includes three main types of general requirements that impose obligations on the parties. The first two categories relate to general obligations concerning the protection of human rights, democracy, and the rule of law, as well as the seven overarching principles set out in Chapter 3(a) and found in various ethical charters and recommendations. It also encompasses procedural safeguards and a general framework for preventing the risks and negative impacts of AI systems.

A. The Common Principles and Obligations of the Parties under the Council of Europe Framework Convention on Artificial Intelligence:

Upon ratification, each party is required to align its national legal framework with the principles of international and regional instruments related to the protection of human rights, particularly those established by the Council of Europe and the United Nations. Otherwise, the party may be held responsible for any unlawful acts under the jurisdiction of the relevant enforcement bodies and courts. Additionally, the framework convention imposes an obligation to adopt or maintain appropriate measures to ensure that artificial intelligence systems comply with these international and national commitments (Article 3/a of the Council of Europe Framework Convention on Artificial Intelligence). Furthermore, there is an obligation to provide accessible and effective remedies against potential violations of human rights that may arise from the activities of public authorities or private actors acting on their behalf (Tambou, p. 298). This includes situations where public authorities delegate responsibilities to private sector actors or instruct them to carry out such activities (Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Council of Europe Treaty Series, pp. p. 7, paragraph 28.) . Consequently, as previously stated, the private sector is not bound by this convention, reflecting the influence of the American delegation on the negotiations, given that the United States is one of the leading countries in the field of artificial intelligence technology.

When organizing private-sector activities as outlined in this convention, parties may either adhere directly to its relevant provisions or take other measures to comply with them while fully respecting their international obligations concerning human rights, democracy, and the rule of law, particularly in the private sector. The convention provides parties with two methods of complying with its principles and obligations. This approach was deemed necessary by the drafters of the Framework Convention due to existing differences in legal systems worldwide. (Rotenberg, September 2024, p. 859) Article 1(2) of the Framework Convention emphasizes that each Party must address the risks and impacts arising from activities conducted by private actors within the lifecycle of artificial intelligence systems, to the extent not covered by the first subparagraph, in a manner consistent with the subject and purpose of the Convention. (Article, pp. 3/1-b)

At the time of signing or when depositing the instrument of ratification, acceptance, approval, or accession, each party shall submit a declaration to the Secretary General of the Council of Europe, specifying the manner in which it intends to fulfil this obligation, either by applying the principles and obligations outlined in Chapters 2–6 of the Framework Convention concerning private sector activities, or by taking other appropriate measures to meet the obligation. Parties may modify their declaration at any time in the same manner. In fulfilling their obligation under this paragraph, no party may diminish or restrict the application of their international obligations to protect human rights, democracy, and the rule of law (Article, pp. 3/1-b).

According to Article 3, this convention does not apply to security interests or research and development activities related to artificial intelligence systems that have not yet been made available to the public, unless such activities are likely to undermine human rights, democracy, and the rule of law, or matters related to national defense (Article, pp. 3/2, 3 and 4).

Therefore, the Council of Europe's failure to establish binding human rights standards for artificial intelligence systems used for national defense and security purposes in its member states and other parties to the framework convention reveals a significant regulatory shortcoming affecting the design, deployment, and use of these systems. When discussing the design, development, and use of AI systems in the military or national defense sector, autonomous weapons and other AI-based weapon systems spring to mind. The military and national defense sector

can utilize other types of artificial intelligence, and in some cases, these are already in use. Examples include threat recognition devices via cooperative and autonomous mobile sensors, such as aerial and ground vehicles that detect threats and identify enemy ships and their expected behaviour (elements already developed by the US military), devices that map battlefields using autonomous mobile sensors to identify attack targets and exclude civilian areas, and facial recognition tools deployed at borders to detect enemy infiltration (Francesca Fanucci and Catherine Connolly, 18 August 2032).

Under Article 4 of the Framework Convention, the protection of human rights is extended to the domestic legal systems of the Parties, including their national constitutions and legislation aimed at safeguarding human rights. The national human rights framework must encompass the rights and guarantees set out in various regional and global instruments, and it must be capable of addressing the evolution of artificial intelligence systems during their design and use. Furthermore, states must ensure that the use of these systems does not undermine the integrity, independence and safety of democratic institutions and processes, nor their effectiveness. This includes respect for the separation of powers, judicial independence and access to justice, as well as equitable access for individuals, their participation in public discussions and their freedom to form opinions**(Articles 4 and 5 of the Council of Europe Framework Convention on Artificial Intelligence.)**.

Chapter 3 regulates the principles related to activities carried out within the lifecycle of artificial intelligence systems through Articles 6–13. These principles serve as common principles that parties must incorporate into their domestic legislation for application to artificial intelligence systems. Article 6 specifies the general approach that parties should follow with regard to artificial intelligence systems, in a manner consistent with their domestic legal systems and other obligations arising from this Convention. Article 7 emphasizes the importance of human dignity and personal autonomy within the framework of human-centered regulation and governance for activities within the scope of the framework convention that fall within the lifecycle of artificial intelligence systems. Such activities must not dehumanize individuals, undermine their authority or reduce them to mere data points. Nor should they humanize artificial intelligence systems in a way that undermines human dignity (Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Council of Europe Treaty Series, pp. p. 13, para. 53.).

The convention promotes and encourages safe innovation in order to mitigate these risks (Article 13 of the Council of Europe Framework Convention on Artificial Intelligence), ensuring that technological developments in artificial intelligence are implemented in an ethical and responsible manner. It establishes transparency and oversight requirements designed specifically to fit particular contexts and risks, including identifying content generated by artificial intelligence systems (Article 8 of the Council of Europe Framework Convention on Artificial Intelligence). Parties must also ensure accountability and responsibility for negative impacts on human rights, democracy and the rule of law resulting from AI activities (Article 9 of the Council of Europe Framework Convention on Artificial Intelligence). AI systems must respect equality and non-discrimination, including gender equality, and prohibit discrimination in activities conducted within the AI systems' lifecycle, as stipulated in international law and applicable domestic regulations (Article 10 of the Council of Europe Framework Convention on Artificial Intelligence). Privacy must be respected and personal data protected (Articles 4 and 5 of the Council of Europe Framework Convention on Artificial Intelligence.).

Each party must also strive to enhance the reliability of AI systems and trust in their outcomes, which may include requirements for adequate quality and safety throughout the AI systems' lifecycle (Article 14 of the Council of Europe Framework Convention on Artificial Intelligence.). Conversely, safe innovation must align with human rights, democracy, and the rule of law. In both cases, the parties must diligently establish effective measures to ensure the safety, security, quality and integrity of data throughout the lifecycle of AI systems and create controlled environments for developing, experimenting with and testing these systems.

B. Procedural Safeguards and Risk Prevention

According to Article 15 of the Framework Convention, the parties must ensure that individuals affected by artificial intelligence systems are provided with the effective protection and procedural rights outlined in the relevant international and national human rights legislation. They must also ensure that individuals interacting with such systems are informed that they are not interacting with a human, but with a machine. Furthermore, each party must guarantee that accessible and effective legal remedies are available to individuals who have been harmed by human rights violations resulting from activities in the lifecycle of AI systems**(Article 14 of the Council of Europe**

Framework Convention on Artificial Intelligence.), enabling them to assert their rights. Where appropriate, individuals may appeal to the competent authorities against any decision deemed unlawful **(Article 14 of the Council of Europe Framework Convention on Artificial Intelligence.)**.

Regarding the assessment of risks and impacts arising from the use of artificial intelligence systems, as well as their mitigation, the drafters of the framework convention adopted a risk-based approach. The legal requirements for the design, development and use of AI systems should correspond to the risks they pose to human rights, democracy and the rule of law **(Tambou, p. 301)**. Fundamental principles for identifying these risks, such as transparency requirements, should apply to all artificial intelligence systems. Accordingly, Article 16 addresses the issue of risk prevention and its associated impacts, taking into account the principles set out in Chapter 3 of the convention. In this context, the Framework Convention imposes an obligation on each Party to take or maintain the necessary measures to identify, assess, prevent and mitigate the risks posed by artificial intelligence systems, considering their actual and potential impact on human rights, democracy and the rule of law **(Tambou, p. 302)**.

In the absence of a theoretical classification of risks, the convention sets out a range of measures that states must consider taking. These measures should take into account the context of artificial intelligence systems and their intended use, particularly with regard to their potential severity and impact. Where appropriate, the opinions of relevant stakeholders, especially those whose rights may be affected, should be considered. This should include the possibility of pre-testing artificial intelligence systems before they are made available for initial use, as well as when they undergo substantial modifications. Furthermore, the risk framework must account for monitoring risks and negative impacts, as well as documenting these and the measures taken to address them**(Tambou, p. 302)**.

Second: implementation mechanisms of the Council of Europe's Framework Convention on Artificial Intelligence.

The Framework Convention on Artificial Intelligence organizes its governance according to the logic of international governmental cooperation, which is characteristic of the Council of Europe. It includes two implementation mechanisms: the monitoring mechanism (A) and international cooperation (B).

A. Monitoring Mechanism:

Article 3(1) of the Framework Convention refers to the monitoring mechanism and delegates its organization to Article 23. This mechanism is the Conference of the Parties, a political body responsible for the effective implementation of the Convention's provisions (Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Council of Europe Treaty Series, pp. p. 30, paras. 129-130.). The Conference of the Parties ensures equality among the parties in decision-making and monitoring, and promotes cooperation to ensure the appropriate and effective implementation of the framework convention. Consisting of representatives from the parties (Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Council of Europe Treaty Series, p. para. 149) to the convention, it may address any issue related to the convention (Art. Article 28 of the Council of Europe Framework Convention on Artificial Intelligence.). This includes identifying difficulties, making recommendations concerning the interpretation and application of the convention (Art. Article 28 of the Council of Europe Framework Convention on Artificial Intelligence., p. Art. 23/2), facilitating the exchange of information regarding significant legal, policy or technological developments relevant to international cooperation, and the amicable resolution of disputes that may arise between the parties. It may also propose amendments to the convention or some of its texts. Proposals for amendments may be made by a party, the Committee of Ministers of the Council of Europe or the Conference of the Parties. However, the drafters of the framework convention view substantive amendments as possible only in the form of amended protocols (Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Council of Europe Treaty Series, pp. . 34, para. 149.).

The conference also receives periodic reports from the parties, detailing the activities they have undertaken to ensure the implementation of the framework convention by their public authorities and private actors (Article 24 of the Council of Europe Framework Convention on Artificial Intelligence.). Despite the importance of the periodic reporting system, it does not lead to an evaluation of the effectiveness of the measures taken to enforce the provisions of the convention (Tambou, p. 308).

In order to carry out its activities, the Conference receives financial contributions from the parties and non-member states of the Council of Europe. These contributions are agreed with the Committee of Ministers (Art. 23/7 of the Council of Europe Framework Convention on Artificial Intelligence.). The Conference may restrict the participation of any Party that is no longer a member of the Council of Europe in its proceedings if it has committed serious violations of the Council's principles and values. These measures may also be applied to any non-member state against which the Committee of Ministers has made a decision for the same reasons (Article 23/8 of the Council of Europe Framework Convention on Artificial Intelligence.).

A careful reading of Article 23 reveals that it lists the functions of the Conference of the Parties. However, the article is vague as it does not specify the conference's meeting schedule. This is evident in the statement that 'the Conference of the Parties shall meet whenever necessary, either at the request of the Council of Europe's Secretariat, a majority of the parties, or the Committee of Ministers'. It also does not define the voting procedures within the Conference of the Parties.

To enhance the monitoring mechanism, each party to the framework convention must establish one or more supervisory mechanisms to oversee compliance with the obligations arising from the framework convention. These mechanisms must operate with complete independence and impartiality, and possess the necessary skills, expertise and resources to carry out their mission of monitoring compliance with the convention. Where multiple supervisory mechanisms exist, the relevant party must take the necessary measures to facilitate cooperation between them (Article 23/8 of the Council of Europe Framework Convention on Artificial Intelligence., pp. Art. 26/2-3).

B. International Cooperation:

To ensure the effectiveness of the Framework Convention, the drafters emphasized the obligation on the Parties to cooperate in achieving its objectives by providing one another with as much assistance as possible, as well as supporting non-Party States by helping them align their activities with the Convention's principles and encouraging them to join it. This creates a broader and more inclusive commitment to the framework convention's provisions among all countries worldwide (Article 23/8 of the Council of Europe Framework Convention on Artificial Intelligence., p. Art. 25) .

Furthermore, cooperation among the parties should facilitate the exchange of relevant and useful information relating to artificial intelligence, including measures taken to prevent or mitigate risks to human rights, democracy and the rule of law. This information exchange should also address elements that could have a positive or negative impact on the enjoyment of human rights, including risks and impacts that have occurred in the context of research and in relation to the private sector. The exchange also extends to risks and impacts arising from artificial intelligence research, thereby enhancing our understanding of the effects of these technologies in vital areas. To this end, the drafters of the Framework Convention emphasize the importance of engaging with relevant non-governmental stakeholders, including academics, industry representatives, and civil society organizations, to ensure a multi-stakeholder perspective on pertinent issues. To make monitoring the implementation of the framework convention more effective, cooperation should also include representatives from non-governmental organizations and other relevant bodies (Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Council of Europe Treaty Series, pp. 32, paras. 139-140).

One of the most significant aspects of the framework convention is that it allows two or more parties to enter into an agreement or treaty concerning matters covered by the convention, or to establish relations regarding these matters. In such cases, they have the right to apply that agreement or treaty, or to organize those relations accordingly. The framework convention also states that European Union member states may apply EU rules governing matters related to artificial intelligence in their mutual relations, and the same applies to other parties that commit to these rules (Art. Article 27 of the Council of Europe Framework Convention on Artificial Intelligence).

Ethical Considerations. This study is based exclusively on publicly available legal and policy documents, particularly the Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law issued by the Council of Europe. No human subjects were involved, and no personal data were collected or processed. Therefore, no ethical approval was required. All interpretations of legal texts are

conducted objectively and with full academic neutrality, in accordance with the standards of scholarly research in international law and human rights disciplines.

Acknowledgement. The author expresses sincere appreciation to the Faculty of Law and Political Sciences at Batna 1 University, as well as the Laboratory for Multidisciplinary Research and Studies in Law, Heritage and History, for their academic support and institutional environment that facilitated the preparation of this research.

Funding

This research was conducted without external financial support and did not receive funding from governmental, institutional, commercial, or private sources.

Conflict of Interest

The author declares that there is no conflict of interest. The research was carried out independently, and no personal, financial, or institutional interests influenced the analysis, interpretation, or conclusions presented in this article.

Conclusion:

Through this study, we have identified a number of findings and made a series of suggestions.

1. Findings:

The framework convention is the first global agreement on artificial intelligence and human rights. - It is a multilateral international convention that is not exclusively concerned with Council of Europe states. It is designed to ensure the continuous and uniform application of human rights and the principle of the rule of law. It is also designed to ensure that artificial intelligence develops in a way that respects human rights, democracy and the rule of law rather than replacing human intelligence. The Council of Europe's adoption of the framework convention positions it as a leader in addressing artificial intelligence and human rights, while promoting the principles of democracy and the rule of law.

The framework convention guarantees the responsible use of artificial intelligence while respecting human rights, democracy and the rule of law. It obliges the parties to take the necessary measures to ensure the transparency, reliability and security of AI systems, particularly with regard to identifying the content produced.

The framework convention does not define artificial intelligence itself, but rather its systems. It adopts the definition used by the organization for Economic Co-operation and Development (OECD) in order to improve international cooperation on artificial intelligence, and to facilitate the harmonization of relevant terminology and the alignment of global AI governance. This will enable various instruments related to artificial intelligence to be implemented within the national legal systems of the parties.

The framework convention does not apply to the private sector, nor does it cover matters relating to security interests, national defense or research and development activities.

The framework convention has its weaknesses, particularly with regard to the general nature of its provisions and the fact that many of its formulations fall under the remit of interpretative law. It grants the parties broad discretionary power to ensure its application within national legal systems, along with exceptions relating to the scope of its application and the political mechanism overseeing its implementation. As it is based on a risk approach rather than rights, this convention may not meet the expected standards for forming a suitable, unified framework for regulating artificial intelligence technology activities.

2. Suggestions:

Work towards including matters related to security interests, research and development activities related to artificial intelligence systems, and issues related to national defense in the framework convention. This would

prevent states from using these matters as pretexts to evade their international obligations with regard to respecting and protecting human rights, particularly given that the parties involved are among the leading countries in the use of artificial intelligence.

- Ensure that artificial intelligence systems do not rely on data that may reflect biases, intentionally or unintentionally, when included in analyses, as this risk violates fundamental individual rights. An example of this is the use of predictive programs for detecting crimes in dangerous areas in the United States. This issue affects human rights, particularly in light of the new European strategy to combat illegal immigration, as set out in the European Pact on Migration and Asylum, adopted on 10 April 2024. This strategy will inevitably affect the rights of individuals.

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